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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,302	08/06/2001	Nozomu Ikeda		6158
530 7590 05/30/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
			EXAMINER CALLAHAN, PAUL E	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 05/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/879,302

Applicant(s)

IKEDA ET AL.

Examiner

Paul Callahan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 76-92, 95, 96, 106-115, 131 and 146 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 76-92, 95, 96, 106-111, 131 and 146 is/are allowed.
- 6) ☐ Claim(s) 112-115 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/131,095.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12-8-2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 76-115, 124-131, and 146 were pending in the instant application at the time of the previous Office Action, mailed December 13, 2006. By the latest amendment, filed March 12, 2007, claims 93, 94, 97-105, and 124-130 are additionally cancelled. Therefore claims 76-92, 95, 96, 106-115, 131, and 146 remain pending and have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 112-115 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 112 recites the limitation "...the additional information..." in line 15. There is insufficient antecedent basis for this limitation in the claim. Claims 113-115 are dependent on claim 112 and are therefore rejected on the same basis as that claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 112 is rejected under 35 U.S.C. 102(e) as being anticipated by Rhodes, US 7,171,018.

As for claim 112, Rhodes teaches an information signal reproducing method for reproducing information signals to which medium-related information has been added (abstract, col. 3 lines 35-50) and which are recorded on a recording medium having formed thereon an area different from an area for recording the information signals and in which the medium-related information is recorded (col. 5 lines 2-8, col. 8 lines 28-40, the header information will occupy a separate physical location), or having a unit accompanying the recording medium in which the medium-related information is recorded, the method comprising: an information reading step of reading the medium-related information from one of the recording medium and the unit accompanying the recording medium (col. 8 lines 28-50, col. 14 lines 16-40); an information signal reading step of reading the information signals from the recording medium (col. 8 lines 28-50, col. 11 lines 25-53, col. 14 lines 16-40); an additional information detecting step of detecting the additional information added to the information signals on the basis of the medium-related information read by information reading step (col. 5 lines 25-55, col. 8 lines 28-50, col. 11 lines 25-53, col. 14 lines 16-40) and a controlling step for prohibiting

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the reproduction of the information signals if the additional information added to the information signals is not detected by the additional information detecting step (col. 10 lines 45-50).

Allowable Subject Matter

6. Claims 76-92, 95, 96, 106-111, 131, and 146 are allowed.
7. Claims 113-115 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: The reasons for indicating allowable subject matter were presented in the previous Office Action and will not be repeated herein. Instead, those reasons are hereby incorporated in their entirety herein by reference to the previous Office Action. The Applicant is referred to the previous Office Action in the case for the text of those reasons for indicating allowable subject matter.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PEC
5-23-07



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SUPERVISORY PATENT EXAMINER